

REMARKS

Status of the claims:

With the above amendments, claims 2, 3 and 4 have been canceled and claim 1 has been amended. No new matter has been incorporated by way of the above amendment. Claim 1 has been amended by incorporation of the subject matter of claims 2, 3, and 4. Moreover, claim 1 has been amended by adding a flexural strength element to the claim, which has support at page 11, line 17. Reconsideration is respectfully requested in light of the following remarks.

Rejections under 35 USC §§102/103

Claims 1-2, 6-8, 11 and 12 have been rejected under 35 USC §102(b) as being anticipated by Osborne '895 (US Patent No. 4,895,895), or in the alternative claims 1-8, 11 and 12 have been rejected under 35 USC §103(a) as being unpatentable over Osborne '895 taken alone or in view of Sakai '619 (US Patent No. 5,851,619) or Fujita '597 (US Patent No. 5,747,597).

Claims 1-8, 11 and 12 have also been rejected under 35 USC §102(b) as being anticipated by Van Gasse '234 (US Patent No. 5,212,234), or in the alternative under 35 USC §103(a) as being unpatentable over Van Gasse '234 taken alone or in view of Sakai '619 or Fujita '597.

These rejections are traversed for the following reasons.

Present Invention

The present invention, as recited in claim 1, relates to a molding composition comprising (A) a fibrous material, (B) a crystalline unsaturated polyester, (C) a non-crystalline unsaturated polyester, and (D) a radical generator. The non-crystalline unsaturated polyester has at least one of a softening point of 80°C or higher and lower than 200°C and a glass transition point of 40°C or higher and lower than 100°C. The crystalline unsaturated polyester has a melting point of 60°C or higher and lower than 180°C. The difference between the melting point of the crystalline unsaturated polyester and the softening point of the non-crystalline unsaturated polyester is 50°C or smaller. The molding composition has a flexural strength of 160 kgf/cm² or more and the composition is substantially free of styrene.

Disclosure of Osborne '895

Osborne '895 discloses a thickened molding composition that comprises fibrous reinforcement, an ethylenically unsaturated polymer, a monomer copolymerizable therewith and a crystalline unsaturated polyester having a glycol component derived from at least two symmetrical glycols. Preferably, the crystalline polyester of Osborne '895 has a molecular weight per double bond

of no more than about 210 and a melting point of from 50°C-115°C.

Osborne '895 fails to disclose any examples wherein the composition is substantially free of styrene.

Disclosure of Van Gasse '234

Van Gasse '234 discloses a molding compound based on thermosetting resin material and optionally fibers, fillers, curing catalysts and further usual additives. The molding composition is characterized in that the molding compound comprises a mixture of at least two thermosetting resins of which a first resin is in a partly cured state, and of which a second resin is not, or less than the first resin in a partly cured state.

Van Gasse '234 fails to disclose any examples wherein the composition is substantially free of styrene.

Disclosure of Sakai '619

Sakai '619 discloses a hollow and cylindrical laminated molded product, which is constituted by mutually overlapped joining of edge sides in a longitudinal direction of at least one or more elongated laminated articles formed by layered lamination of fiber-reinforced thermoplastic resin plates. The laminated molded product contains reinforcing fibers of not less

than 30% and not more than 85% in volume content. Sakai '619 also discloses a method of producing the above-mentioned laminated molded product using a simple molding tool.

Disclosure of Fujita '597

Fujita '597 discloses a curable resin composition comprising a polymer (A) containing a polymerizable unsaturated bonding group; and a polymerizable unsaturated monomer (B). The polymerizable unsaturated monomer (B) comprises as an essential component an oligoalkyl(C₂-C₄)ether(n=2-15)-monoalkoxy(C₁-C₁₈)-(meth)acrylate. The curable resin composition according to Fujita '597 is said to display superior adherence, air-drying, water resistance, and storage stability properties in addition to a reduced odor.

Removal of the Rejections over Osborne '895, Van Gasse '234, Sakai '619, and Fujita '597

Applicants respectfully point out that neither Osborne '895 nor Van Gasse '234 discloses or suggests all of the elements in current claim 1. In particular, Applicants submit that both Osborne '895 and Van Gasse '234 fail to disclose or suggest the composition of claim 1 that has a non-crystalline unsaturated polyester that has at least one of a softening point of 80°C or higher and lower than 200°C and a glass transition point of 40°C

or higher and lower than 100°C, and wherein the crystalline unsaturated polyester has a melting point of 60°C or higher and lower than 180°C wherein the difference between the melting point of the crystalline unsaturated polyester and the softening point of the non-crystalline unsaturated polyester is 50°C or smaller, and wherein the molding composition has a flexural strength of 160 kgf/cm² or more while being substantially free of styrene. In particular, none of the cited references disclose or suggest the flexural strength as claimed in the instant invention. For this reason, Applicants submit that the rejection is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

Pursuant to the provisions of 37 C.F.R. 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

John W. Bailey, #32,881

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JWB/TBS/mua

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000